

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FLAVIO M. MANDULEY
AND JOHN A. HOFER

Appeal No. 95-3433
Application 07/812,982¹

ON BRIEF

Before HAIRSTON, JERRY SMITH, and CARMICHAEL, Administrative
Patent Judges.

HAIRSTON, Administrative Patent Judge.

¹ Application for patent filed December 24, 1991.

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Application No. 07/812,982

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 19.

The disclosed invention relates to a method and apparatus for activating a capability to access a selected rate table in a system for automatically calculating parcel shipment charges.

Claim 9 is illustrative of the claimed invention, and it reads as follows:

9. A method of activating a capability to access a rate table representing a discounted rate structure in a system for automatically calculating parcel shipment charges, said system comprising a microprocessor and a memory means for storing data accessible to said microprocessor, the method comprising the steps of:

(a) storing in said memory means a plurality of rate tables, a first rate table of said plurality representing a discounted rate structure for a class of parcel carriage service, the other rate table or tables of said plurality each representing alternative rate structures for said class of service;

(b) entering a discount activation code into said system; and

(c) in response to said entering of said code, enabling access to said first rate table for calculating rates for said class of service and disabling access to said other rate table or tables.

The references relied on by the examiner are:

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Sharpe et al. (Sharpe)	4,713,761	Dec. 15, 1987
Haines et al. (Haines)	5,107,455	Apr. 21, 1992
		(filed Mar. 23, 1989)

Claims 1 through 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Haines in view of Sharpe.

Reference is made to the brief and the answers for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 19.

Haines discloses a technique for reconfiguring a postage meter. The meter sends an encrypted request code to a data center computer. If the request code is valid, then the data center sends an encrypted enable code to the meter. If the enable code is valid, then the meter overwrites an old I/O configuration number (IOCN) with a new IOCN to thereby reconfigure the meter so that it is capable of selectively enabling controllable features of external devices (column 1, line 14 through column 2, line 23).

Sharpe discloses a data processing system that centrally handles payments and accounting functions in the shipping industry. The Abstract in Sharpe states that:

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The system includes an input device which is located at the shipper's (or other buyer's) premises and a central data processing facility. The input device receives information defining a shipment sufficiently so that the cost of that shipment may be determined in accordance with the rates of a carrier (or other seller), and uploads the information to the central data processing facility. Preferably, the input device includes rate information and software for determining shipment costs locally. The central data processing facility maintains accounts for a shippers and carriers, appropriately debits and credits costs for each shipment and periodically issues statements of their accounts to all shippers and carriers. In a preferred embodiment [Figure 3], shippers may maintain a payment account with a trustee bank and the system may from time to time issue instruction to the trustee bank to make appropriate payments to each carrier.

Any rate changes are automatically communicated by the data processing system to all shippers (column 8, lines 58 through 65). When the new rates are received by a shipper, an acknowledgment signal is sent by the shipper to the system (column 11, lines 50 through 63). Sharpe is completely silent concerning a shipper sending a coded request to the system for access to another rate.

We agree with the examiner (Answer, pages 3 and 4) that Haines "fails to specify the type of information stored within the memory means," that Sharpe "teaches another system for the centralized processing of shipment accounts that stores rate information in the data base . . . of a data processing center," and that Sharpe "teaches storing several files to accommodate

different rate information as required . . . including rate discounts, rate of particular carriers, and weight, size, destination, and type of goods schedules." With this in mind, the examiner states (Answer, page 4) that "[i]t would have been obvious to one of ordinary skill in the art at the time that the invention was made to implement the teachings of Sharpe within the system taught by Haines with the motivation of providing a faster and more accurate means of rating shipped or posted goods that is simpler to access or update when authorized as required."

Appellants argue (Brief, pages 2 and 3) that:

[T]he Examiner must provide explanation based on logic and sound scientific reasoning that will support a holding of obviousness. And, further, the fact that the invention's mechanism can be reconstructed and explained by means of logic and sound scientific reasoning does not, however, support an obviousness determination unless that logic and reasoning would supply sufficient impetus to have led one of ordinary skill in the art to combine references to make the claimed invention; and, thus the Examiner can not establish obviousness by locating references which describe various aspects of the applicants' invention unless the Examiner also provides evidence of the motivation which would compel a person skilled in the art to do what the applicants have done.

We agree. The examiner's reasoning for combining the teachings of the applied references never states what teachings of Sharpe should be implemented within the system taught by Haines to arrive at the claimed invention. We can only guess that the

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carrier rates in Sharpe are the teachings referred to by the examiner in the rejection. Even if we assume for the sake of argument that it would have been obvious to one of ordinary skill in the art to use carrier rates in the Haines meter in lieu of postal rates, the Haines system would still reconfigure the meter for operation with other external devices, and not for enabling access to other postal/carrier rates. The obviousness rejection is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 19 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JERRY SMITH)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
JAMES T. CARMICHAEL)	
Administrative Patent Judge)	

PITNEY BOWES INC.
Intellectual Property & Technology Law Dept.
35 Waterview Drive
Shelton, CT 06484-8000